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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,668	05/25/1999	CHARLES D. GOLLNICK	14206US01	1752
7590 06/08/2007 Christopher C. Winslade McAndrews, Held & Malloy 500 W. Madison Street, Suite 3400 Chicago, IL 60661			EXAMINER SOBUTKA, PHILIP	
			ART UNIT 2618	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/318,668

Applicant(s)

GOLLNICK ET AL.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40 and 53-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40 and 53-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/11/06, 3/6/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 53-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoff (US 5,168,271).

Consider claim 53. Hoff teaches a wireless communication device comprising:
a wireless transceiver operable to communicate with a base station that periodically transmits, at defined intervals (*note that Hoff's "defined intervals" are the duration of each time slot within a frame, see for example figures 5A-D, column 21, lines 60-62*), information packets comprising information indicating pending messages (*note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65*); and

a processor operable to cause the transceiver to be deactivated for a consecutive plurality of the defined intervals and to subsequently attempt to synchronize activation of the transceiver to receive information packets transmitted by the base station (*note that since the "defined intervals" could represent simply the defined*

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duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65).

Consider claim 54. Hoff teaches a wireless communication device comprising a wireless transceiver operable to communicate with a base station that periodically transmits, at defined intervals (*note that Hoff's "defined intervals" are the duration of each time slot within a frame, see for example figures 5A-D, column 21, lines 60-62*), information packets comprising information indicating pending messages (*note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65*); and

a processor operable to cause the transceiver to be deactivated for at least one of the defined intervals and to subsequently attempt to synchronize activation of the transceiver to receive information packets transmitted by the base station (*note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65*).

Consider claim 55. Hoff teaches a wireless data communication method comprising:

wirelessly receiving, at a wireless transceiver, information packets comprising information indicating pending messages indications (*note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65*) transmitted by a base station that periodically transmits the information packets at defined intervals (*note that Hoff's "defined intervals" are the duration of each time slot within a frame, see for example figures 5A-D, column 21, lines 60-62*);

deactivating the wireless transceiver for a consecutive plurality of the defined intervals; and attempting to synchronize activation of the wireless transceiver to receive information packets transmitted by the base station (*note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65*).

Consider claim 56. Hoff teaches a wireless data communication method comprising:

wirelessly receiving, at a wireless transceiver, information packets comprising information indicating pending messages (*note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65*) transmitted by a base station that periodically transmits the information packets at defined intervals (*note that Hoff's*

“defined intervals” are the duration of each time slot within a frame, see for example figures 5A-D, column 21, lines 60-62);

deactivating the wireless transceiver for at least one of the defined intervals; and attempting to synchronize activation of the wireless transceiver to receive information packets transmitted by the base station (*note that since the “defined intervals” could represent simply the defined duration of a single time slot, Hoff’s arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65).*

Consider claim 57. Hoff teaches a wireless data communication method comprising:

deactivating a wireless transceiver for a consecutive plurality of defined intervals (*note that since the “defined intervals” could represent simply the defined duration of a single time slot, Hoff’s arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65)* at which a base station periodically transmits information packets comprising information indicating pending messages (*note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65);*

synchronizing activation of the wireless transceiver to receive information packets transmitted by the base station; and wirelessly receiving, at the wireless transceiver, information packets comprising information indicating pending messages

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transmitted by the base station (*Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65*).

Consider claim 58. Hoff teaches a wireless data communication method comprising:

deactivating a wireless transceiver for at least one of a plurality of defined intervals (*note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65*) at which a base station periodically transmits information packets comprising information indicating pending messages (*note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65*);

synchronizing activation of the wireless transceiver to receive information packets transmitted by the base station; and wirelessly receiving, at the wireless transceiver, information packets comprising information indicating pending messages indications; transmitted by the base station (*Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65*).

Consider claim 59. Hoff teaches a wireless communication device comprising:

a terminal having a wireless transceiver, the terminal having a mode of operation for selectively deactivating the terminal's wireless transceiver for at least one of a

plurality of defined intervals (*note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65*) at which information packets comprising information indicating pending messages are transmitted by a remote transmitter (*note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65*) and for attempting to synchronize activation of the terminal's wireless transceiver to receive information packets transmitted by the remote transceiver (*Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65*).

Consider claim 60. Hoff teaches a wireless communication device comprising: a wireless transceiver operable to be selectively deactivated for at least one of a plurality of defined intervals (*note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65*) at which information packets comprising information indicating pending messages indications are transmitted by a remote transmitter (*note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65*), the wireless transceiver further operable to be synchronized to receive

information packets transmitted by the remote transceiver(*Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65*).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoff in view of Tymes (US 5,029,183).

Consider claim 40. Tymes teaches a radio frequency data collection network comprising:

a plurality of roaming data collection terminals (*Tymes see for example figure 1, items 15*);

a plurality of base stations (*Tymes see for example figure 1, items 12,13,14*).

Tymes lacks a teaching of arrangement for transmitting large messages while still allowing for a sleep mode.

Hoff teaches an arrangement for transmitting large messages while still allowing for a sleep mode (*Hoff see for example column 4, lines 11-16,29-32*) comprising a communication system with roaming terminals and base stations that transmit information packets periodically at each of defined intervals (*note that since the "defined intervals" could represent simply the defined duration of a single time slot, Hoff's arrangement would deactivate for a consecutive plurality of time slots within a frame, Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65*); the plurality of roaming data collection terminals and the plurality of base stations each having wireless transceivers (*Hoff see figure 2A*); and

each of said roaming data collection terminals selectively deactivates its wireless transceiver for a consecutive plurality of the defined intervals, and then activates its wireless transceiver to allow receiving the information packets (*Hoff see figure 5A-D, column 17, lines 15-35, column 21 line 54 – column 22, line 65*);

wherein each of said roaming data collection terminals attempts to synchronize activation of its wireless transceiver to receive information packets transmitted by at least one of the plurality of base stations; and wherein the information packets transmitted by the plurality of base stations comprise information indicating pending messages indications (*note that Hoff teaches information packets comprising*

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information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65).

It would have been obvious to one of ordinary skill in the art to equip the network of Tymes with the large message capable sleep mode of Hoff in order to allow for a sleep mode with the ability to transmit large messages.

Response to Amendment

6. Applicant's arguments regarding the rejection under 112 are persuasive and this rejection has been withdrawn.

7. Applicant's arguments with respect to claims 40 and 53-60 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4711.

9. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now

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located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



6/1/12

PHILIP J. SOBUTKA
PATENT EXAMINER

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